

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 5, 2009

Mr. Michael S. Winston
(Address withheld)
Newark, Arkansas 72562

Re: **Warning Notice**
Amateur Radio License KE5TKP
EB-09-GB-0266

Dear Mr. Winston:

The owner/trustee of KD5AYE has requested, by letters dated July 1, 2009, September 7, 2009 and September 16, 2009 that you refrain from use of the KD5AYE repeater system. The written requests were issued as a result of your failure to follow operational rules set forth by the licensee/control operator of the repeater system for its users. You were previously issued several verbal requests to refrain from using the system, but failed to comply with them necessitating the formal written requests.¹ You have failed to comply with the formal written requests and have been heard operating on the repeater since the last letter was sent.

The Commission requires that repeaters be under the supervision of a control operator and not only expects, but requires, that such control operators be responsible for the proper operation of the repeater system. Control operators may take whatever steps they deem appropriate to ensure compliance with the repeater rules, including limiting the repeater use to certain users, converting the repeater to a closed repeater or taking it off the air entirely.

Please be advised that the Commission expects you to abide by the request of the owner/trustee that you stay off of the KD5AYE repeater system – and any other similar requests to cease operations on any other repeaters by any other repeater licensees, control operators or trustees.

¹ You were verbally advised by John Godfrey, President of the Batesville Area Radio Club and David Norris, trustee of the Batesville repeater system to cease operations on the KD5AYE repeater system.

Use of the KD5AYE repeater system again after receipt of this letter could subject you to severe penalties, including license revocation, monetary forfeiture (fine)² or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith
Special Counsel

Cc: New Orleans Field Office
South Central Regional Director

² Fines normally range from \$7,500 to \$10,000.